

Effective November 18, 2016, Env-Sw 407.03(d) is cited and reads as follows:

Env-Sw 407.03 Collection Centers for Select Recyclables. ...

(d) The facility complies with Env-Sw 1200, except that employer-provided training that meets the purposes stated in Env-Sw 1601.01 may be substituted for the operator certification requirements specified in Env-Sw 1202.05(d).

Effective November 18, 2016, Env-Sw 407.06(k) is cited and reads as follows:

Env-Sw 407.06 Asbestos Waste Holding Facility for Abatement Contractors. ...

(k) The permittee shall comply with Env-Sw 901.07, Env-Sw 1105, and Env-Sw 1200, except that:

(1) Asbestos abatement worker certification under RSA 141-E and Env-A 1800 shall be substituted for the operator certification requirements specified in Env-Sw 1202.05(d); and

(2) The setback requirements specified in Env-Sw 1203.01(b) shall not apply.

Effective November 18, 2016, Env-Sw 1202.05 reads as follows:

Env-Sw 1202.05 Permittee and Operator Qualifications.

(a) The permittee and facility owner shall be the same person.

(b) The permittee shall be in responsible charge of operating the facility.

(c) The permittee shall provide compliance certification pursuant to Env-Sw 303.14.

(d) If the facility has an active life longer than 90 days, each operator shall be certified pursuant to Env-Sw 1600 unless otherwise specified in these rules for a specific type of facility.

Effective November 18, 2016, the part heading of Env-Sw 1601 reads as follows:

PART Env-Sw 1601 PURPOSE

Effective November 18, 2016, Env-Sw 1605.08(e) is cited and reads as follows:

Env-Sw 1605.08 Failure to Complete Basic Training or Pass Examination.

(e) If an individual who fails the examination still wishes to become a principal operator, the individual may retake the examination without additional training within 8 weeks of the original test at a time convenient to both the applicant and the department.

Effective November 18, 2016, Env-Sw 1609 reads as follows:

PART Env-Sw 1609 OPERATOR STEPS

Env-Sw 1609.01 Operator Steps Assigned Upon Original Certification.

(a) Individuals who originally obtain assistant operator status or principal operator status after the 2014 effective date of this chapter, namely July 1, 2014, shall obtain step designations based on the number of total continuing professional development hours accumulated over the course of the individual's certification, as described in Env-Sw 1609.02.

(b) Individuals who were originally certified under rules in effect prior to July 1, 2014 shall initially be assigned a step as provided in Env-Sw 1609.02, and thereafter obtain step designations based on the number of total continuing professional development hours subsequently accumulated, as described in Env-Sw 1609.02.

Env-Sw 1609.02 Operator Step Designations.

(a) Step designations shall be assigned to principal operators and assistant operators as specified in table 1609-1, below:

Table 1609-1: Steps Based on Hours of Continuing Professional Development Completed

Step	Hours of Continuing Professional Development Completed
1	2.5 total
2	12.5 total
3	25 total
4	37.5 total

(b) The designation of senior operator shall apply to each principal operator who completes 50 total hours of continuing professional development.

Env-Sw 1609.03 Changes in Steps.

(a) To obtain a step increase, a principal operator or assistant operator shall submit proof of continuing professional development with the application for renewal as specified in Env-Sw 1611.

(b) A change in an individual's step designation shall be effective upon renewal of the individual's certification.

Env-Sw 1609.04 Retention and Loss of Steps When Certification Has Expired. An operator whose certification has expired per RSA 149-M:6, XIII shall retain the same step designation as the expired certificate if the operator:

(a) Obtains processed applicant status within one year of the expiration of the operator's previous certificate; and

(b) Completes the process of obtaining a new certificate in accordance with these rules.

Effective November 18, 2016, Env-Sw 1611.03(a)(2) is cited and reads as follows:

Env-Sw 1611.03 Renewal Application Requirements.

(a) (2) The certificate number and date of issuance of:

a. The operator's current certificate, if the renewal application is submitted within 90 days of the certificate's expiration date; or

b. The operator's most recent certificate, for any operator whose certification has expired as specified in Env-Sw 1611.08;

Effective November 18, 2016, Env-Sw 1611.04(a) intro is cited and reads as follows:

Env-Sw 1611.04 Renewal Application Fee.

(a) The renewal application fee shall be as provided in RSA 149-M:6, XIII, as reprinted in Appendix B, which as of the 2016 effective date of the amendment to this section is:

Effective November 18, 2016, Env-Sw 1611.08 reads as follows:

Env-Sw 1611.08 Failure to Renew Certificate.

(a) If a complete renewal application is not submitted as required by Env-Sw 1611.01(b), then:

(1) The certification shall be deemed expired as required by RSA 149-M:6, XIII; and

(2) The department shall remove the operator's name from the roster of certified operators and remove the expired certification number from use.

(b) If a previously-certified individual whose certification has expired as specified in (a), above, wishes to once again be certified, then:

- (1) The individual shall apply for certification in accordance with Env-Sw 1605; and
- (2) The department shall issue a new certification number to the individual if the individual completes the certification process.

APPENDIX A: STATUTES IMPLEMENTED

Rule(s)	State Statute(s) Implemented
Env-Sw 407.03(d), 407.06(k)	RSA 149-M:6, III; RSA 149-M:9, I
Env-Sw 1202.05	RSA 149-M:6, III; RSA 149-M:9, I & VI
Env-Sw 1605.08(e), 1609, 1611.03(a)(2), 1611.04(a) intro, 1611.08	RSA 149-M:6, XIII; RSA 149-M:9, VI

APPENDIX B: STATUTE CITED

RSA 149-M:6 Responsibilities. – The department shall have the responsibility and authority to:

XIII. Establish and administer a certification program for solid waste operators which shall include training courses, and may include testing. The fee for certification shall not exceed \$50 per attendee, and shall be deposited in the nonlapsing revolving fund established in RSA 21-O:1-a. Certification shall be renewed annually. If the renewal fee is not submitted within 90 days after the certificate's expiration date, the certified individual's name shall be removed from the current status and the certification shall be deemed expired. The department shall charge a late fee of 50 percent of the renewal fee in addition to the renewal fee if the renewal is received after the certificate's expiration date.